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2152

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,348

Applicant(s)

BORGER ET AL.

Examiner

Carolyn F. Fleary

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Objections to Specification***

1. The disclosure is objected to because of the following informalities:
  - Detailed Description: Page 5, Line 29 missing the term "be" between "information may" and "retrieved" from.  
Appropriate correction is required.
  - Brief Description of the Drawings: Figure 1 is prior art. Insert this phrase in the discussion on Figure 1.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 5, 9, 10, 12, 13, 16, 20, 23, 27, 28, 30, 31, 34, 39, 42, 46, 47, 52, 57, 58, 59, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez et al. (US 2002/0006124) in view of Wu (US 2003/0212759).**

a. **In regards to claim 1**, Jimenez et al. discloses a computer system configured to integrate advertising within Web content requested by users , comprising:

- a text-to-speech transcoder (figure 3a -#162b) comprising:

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- means for converting Web content from a text-based format to an audio format ([0022] lines 10-16) ; and
- means for serving Web content in an audio format to a user client device via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16); and
- a Web server that hosts Web content (figure 2-#128) in a text-based format ([0022] line 12), comprising:
  - means for forwarding the web content to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device([0022] lines 10-16).

Jimenez et al. fails to teach:

- an advertisement server that hosts advertisements in a text-based format;
- a web server comprising:
  - means, responsive to a user request via the client device for Web content, for retrieving an advertisement from the advertisement server;
  - means for inserting the retrieved advertisement within the user requested Web content; and

- means for forwarding the advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.

Wu teaches an interactive system ([0020] lines 27-35, [0027]) that includes an advertisement server (figure 4-#54) which hosts advertisements in a text based format ([0025] lines 29-31). Wu also teaches a web server (figure 4-#50) that is responsive to a user request via a client device for retrieving advertisement from the advertisement server ([0020] lines 24-35). The advertisements are sent from advertisement servers and may reside on different nodes on a network or from web servers. Users interact with the web by generating messages to obtain web content. The web server prepares messages containing information (web content and advertising) to be sent to the user. The information includes links to advertising servers. The computer (i.e. user) uses the link (used to notify advertisement servers) to request for advertisements ([0027]). The advertisements are inserted with the web content and the web server sends the advertisements ([0027] lines 12-15 [0032] lines 1-6) to a text to speech transcoder (figure 3-#54) for conversion to an audio format and subsequent delivery to the user client device [0025] lines 29-31, [0028] lines 1-11).

It is obvious to one of ordinary skill in the art at time of the invention that the use of client devices to access the Internet has

become popular ([0001] lines 1-5). In addition, it is known that web pages often contain advertisements in the form banners which are stored in a separate file on a server that have their on URL address to an advertisement server ([0001] lines 13-23)). One of ordinary skill in the art at the time of the invention would have be motivated include the advertisement server with the Jimenez et al. system in order to 1) allow advertisers to target their advertisements via downloading them in an audio format to a user device ([0020] lines 1-15), 2) leverage the voice facility of a client device so that users can listen to advertisements that accompany delivered web content ([0019] lines 4-9)), and allow users to request additional information from advertisements ([0027] line 18-25).

- b. **In regards to claim 2**, Wu in claim 1 as modified above, the computer system wherein the advertisement server comprises
- means for selecting advertisements for insertion within ser-requested Web content in response to a user request for Web content (See Wu [0025] lines 13-14).
- c. **In regards to claim 5**, Wu discloses the computer system of claim 1, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

d. **In regards to claim 9, Jimenez et al.** discloses a computer system configured to integrate interactive ([0005] lines 9-16) advertising within Web content requested by users, comprising:

- a text-to-speech transcoder (figure 3a -#162b):
  - means for converting Web content from a text-based format to an audio format ([0022] lines 10-16) ; and
  - means for serving Web content in an audio format to a user client device via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16);
- a Web server that hosts Web content (figure 2-#128) in a text-based format ([0022] line 12), comprising:
  - means for forwarding the web content to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device([0022] lines 10-16).

Jimenez et al. fails to teach:

- an advertisement server that hosts advertisements in a text-based format, wherein the advertisements are interactive when converted to an audio format ;

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- text to speech transcoder having means for notifying the advertisement server of user interaction with the advertisement.
- a web server comprising:
  - means, responsive to a user request via the client device for Web content, for retrieving an advertisement from the advertisement server;
  - means for inserting the retrieved advertisement within the user requested Web content; and
  - means for forwarding the advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.

Wu teaches that which Jimenez et al. fail to teaches. Refer to claim 1 discussion on what Wu teaches.

e. **In regards to claim 10**, Wu discloses, the computer system of claim 9, wherein the text-to-speech transcoder further comprises:

- means for retrieving additional information associated with an advertisement in response to user interaction with the advertisement (Wu [0027] lines 12 -21, [0041] lines 6-20); and
- means for delivering the additional information to the user client device in an audio format (Wu [0027] lines 12 -21, [0041] lines 6-20).



f. **In regards to claim 12**, claim 10 as modified above further discloses, wherein the means for retrieving additional information associated with an advertisement in response to user interaction with the advertisement comprises

- means for retrieving additional information from the advertisement server (Wu [0027] lines 12 -21, [0041] lines 6-20).

g. **In regards to claim 13**, claim 9 as modified above discloses the computer system wherein the advertisement server comprises

- means for selecting advertisements for insertion within ser-requested Web content in response to a user request for Web content (See Wu [0027] lines 12-1, [0032] lines 1-6).

h. In regards to claim 16, Wu discloses the computer system of claim 9, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

i. **In regards to claim 20, Jimenez et al.** discloses a method of integrating advertising within Web content requested by users, comprising:

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- forwarding the user requested web content to a text-to-speech transcoder for conversion to an audio format ([0022] lines 10-16);
- converting web content from a text-based format to an audio format ([0022] lines 10-16); and
- serving web content in an audio format to the user client device ([0025] lines 29-31) via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16).

Jimenez et al. fails to disclose:

- retrieving an advertisement from an advertisement server in response to a user request for Web content received by a Web server from a client device wherein advertisement have a text-based format;
- inserting the retrieved advertisement within the user requested Web content;
- forwarding advertisement to a text-to-speech transcoder for conversion to an audio format;
- converting advertisement from a text-based format to an audio format;
- serving advertisement in an audio format to the user client device.

Wu et al. teaches that which Jimenez fails to teach. Refer to claim 1 for discussion on what Wu et al. teaches.

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j. In regards to claim 23, Wu discloses in, claim 20 as modified above, the method of claim 20, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

k. **In regards to claim 27, Jimenez et al.** discloses a method of integrating interactive ([0005] lines 9-16) advertising within Web content requested by users, comprising:

- forwarding the user requested web content to a text-to-speech transcoder for conversion to an audio format ([0022] lines 10-16);
- converting web content from a text-based format to an audio format ([0022] lines 10-16);
- serving web content an audio format to the user client device ([0025] lines 29-31) via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16).

Jimenez et al. fail to teach:

- retrieving an advertisement from an advertisement server in response to a user request for Web content received by a Web server from a client device, wherein advertisement have a text-based format,
- interactive advertisements when converted to audio format
- inserting the retrieved advertisement within the user requested Web content;

- forwarding advertisement to a text-to-speech transcoder for conversion to an audio format;
- converting advertisement from a text-based format to an audio format;
- serving web content and advertisement in an audio format to the user client device; and
- notifying the advertisement server of user interaction with the advertisement.

Wu teaches all of which Jimenez et al. fail to teach. Refer to the claim 9 discussions on what Wu teaches.

l. **In regards to claim 28**, Wu discloses, the computer system of claim 27, wherein the text-to-speech transcoder further comprises:

- means for retrieving additional information associated with an advertisement in response to user interaction with the advertisement (Wu [0027] lines 12 -21, [0041] lines 6-20); and
- means for delivering the additional information to the user client device in an audio format (Wu [0027] lines 12 -21, [0041] lines 6-20).

m. **In regards to claim 30**, claim 28 as modified above further discloses, the computer system wherein the means for retrieving additional information associated with an advertisement in response to user interaction with the advertisement comprises

- retrieving additional information from the advertisement server  
(See Wu [0027] lines 12 -21, [0041] lines 6-20).

n. **In regards to claim 31**, claim 27 as modified above discloses,  
discloses the computer system, wherein the advertisement server comprises

- means for selecting advertisements for insertion within user-requested Web content in response to a user request for Web content (See Wu [0027] lines 12-25, [0032] lines 1-6).

o. **In regards to claim 34**, Wu discloses in, claim 27 as modified above,  
the method of claim 27, wherein the text-based format comprises voice  
extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with  
additional information that can improve the quality and naturalness of  
synthesized speech.

p. **In regards to claim 39**, Wu discloses a computer program product  
that integrates advertising within Web content requested by users, the  
computer program product comprising a computer usable storage medium  
(figure 31-#150a, figure 2-#124, [0022]) having computer readable  
program code embodied in the medium, the computer readable program  
code ([0024] – [0026]) comprising:

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- computer readable program code that is configured to forward the user requested web content to a text-to-speech transcoder for conversion to an audio format ([0022] lines 10-16);
- computer readable program code that is configured to convert the web content from a text-based format to an audio format ([0022] lines 10-16); and
- computer readable program code that is configured to serve the web content in an audio format to the user client device ([0025] lines 29-31) via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16).

Wu fails to teach:

- computer readable program code that is configured to retrieve an advertisement from an advertisement server in response to a user request for Web content received by a Web server from a client device wherein advertisement have a text-based format;
- computer readable program code that is configured to insert the retrieved advertisement within the user requested Web content;
- computer readable program code that is configured to forward the user requested advertisement to a text-to-speech transcoder for conversion to an audio format
- computer readable program code that is configured to convert advertisement from a text-based format to an audio format;

- computer readable program code that is configured to serve the advertisement in an audio format to the user client device

Wu teaches computer readable program code embodied on a computer readable medium ([0039] lines 8-16), the computer readable program code comprising that which Jimenez et al. fails to teach. Refer to claim 20 on what Wu teaches.

q. **In regards to claim 42**, Wu discloses in, claim 39 as modified above, the computer program product of claim 39, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

r. **In regards to claim 46, Jimenez et al.** discloses a computer program product that integrates interactive advertising within Web content requested by users, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium (figure 31-#150a, figure 2-#124, [0022]), the computer readable program code ([0024] – [0026]) comprising:

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- computer readable program code that is configured to forward the user requested web content to a text-to-speech transcoder for conversion to an audio format ([0022] lines 10-16);
- computer readable program code that is configured to convert the web content from a text-based format to an audio format ([0022] lines 10-16);
- computer readable program code that is configured to serve the web content in an audio format to the user client device ([0025] lines 29-31) via a telephone link (figure 2-#112) with the user client device (figure 2 -#104, [0022] lines 14-16).; and

Wu fails to teach:

- computer readable program code that is configured to retrieve an advertisement from an advertisement server in response to a user request for Web content received by a Web server from a client device wherein advertisement have a text-based format and wherein the advertisement is configured to be interactive when converted to an audio format;
- computer readable program code that is configured to insert the retrieved advertisement within the user requested Web content;
- computer readable program code that is configured to forward the user requested advertisement to a text-to-speech transcoder for conversion to an audio format



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- computer readable program code that is configured to convert advertisement from a text-based format to an audio format;
- computer readable program code that is configured to serve the advertisement in an audio format to the user client device.
- computer readable program code that is configured to notify the advertisement server of user interaction with the advertisement

Wu teaches computer readable program code embodied on a computer readable medium ([0039] lines 8-16), the computer readable program code comprising that which Jimenez et al. fails to teach. Refer to claim 20 on what Wu teaches.

s. **In regards to claim 47**, claim 46 as modified above discloses the computer program product, further comprising

- computer readable program code that is configured to retrieve additional information associated with an advertisement in response to user interaction with the advertisement (Wu [0027] lines 12 -21, [0041] lines 6-20) and
- computer readable program code that is configured to deliver the additional information to the user client in an audio format (Wu [0027] lines 12-21], [0041] lines 6-20).

t. **In regards to claim 49**, Claim 47 as modified above discloses the computer program product, wherein the computer readable program code

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that is configured to retrieve additional information associated with the advertisement in response to user interaction with the advertisement comprises:

- computer readable program code that is configured to retrieve additional information from the advertisement server (See Wu [0027] lines 12 -21, [0041] lines 6-20).

**4. Claim 3, 4, 14,15, 21, 22, 32, 33, 40,41, 50, 51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez et al. (US 2002/0006124) over Wu (US 2003/0212759) over further in view of Hickman (US 2001/0033564)**

u. **In regards to claim 3**, claim 2 as modified above discloses a computer system, wherein the means for selecting advertisements for insertion within user-requested Web content comprises:

- means for retrieving advertisements ( Wu [0027] lines 12-15, [0032] lines 1-6) having a format (Wu[0028], [0029]) compatible with the user-requested Web content when web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 2 as modified (Wu, Jimenez et al.) above is silent on:

- Advertisements having size compatible with user requested web content

Hickman teaches user request of web content (i.e. Web page) from a user device (i.e. telephone). The download time of the web content is predicted by retrieving the size (i.e. number of bytes the comprises the HTML description of the webpage) of the web content ([0084] lines 1-8). The system then predicts an advertisement size (i.e. advertising time slot) and selects one or more advertisements, from an advertisement server, which stores advertisements of various lengths, that fits the advertising size ([0086] lines 1-8).

One of ordinary skill in the art at time of invention would realize the advantage of ensuring the format and size compatibility of Wu and Jimenez et al. system in order to interleave of audio advertisements with the web content request such that audio advertisements can be played during the serving of web content to user ([0083], [0086] lines 8-13).

v. **In regards to claim 4**, claim 3 as modified above discloses, the computer system, wherein the means for selecting advertisements having a format and size compatible with user-requested Web content comprises:

- means delivering advertisements in an audio format.

Claim 3 as modified above et al. is silent on:

- advertisements having a predetermined time length when delivered in an audio format.

Hickman teaches and compute (i.e. advertisement server) that stores a plurality of audio advertisements (i.e. voice advertisements) of various lengths ([0086]).

w. **In regards to claim 14**, claim 13 as modified above discloses the computer system, wherein the means for selecting advertisements for insertion within user-requested Web content comprises:

- means for retrieving advertisements ( Wu [0027] lines 12-15, [0032] lines 1-6) having a format (Wu[0028], [0029]) compatible with the user-requested Web content when web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 13 as modified (Jimenez et al., Wu, above is silent on:

- Advertisements having size compatible with user requested web content

Refer to the claim 3 discussions above on what Hickman teaches.

x. **In regards to claim 15**, claim 14 as modified above discloses the computer system of claim 14, wherein the means for selecting advertisements having a format and size compatible with user-requested Web content comprises

- means delivering advertisements in an audio format.

Claim 14 as modified above (Jimenez et al. Wu,) is silent on:

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- advertisements having a predetermined time length when delivered in an audio format.

Refer to the claim 4 discussions above on what Hickman teaches.

y. **In regards to claim 21**, Claim 20 as modified above discloses the method, wherein retrieving an advertisement from an advertisement server comprises

- means for retrieving advertisements ( Wu [0027] lines 12-15, [0032] lines 1-6) having a format (Wu[0028], [0029]) compatible with the user-requested Web content when web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 20 as modified (Jimenez et al., Wu) above is silent on:

- Advertisements having size compatible with user requested web content

Refer to claim 3 discussions above on what Hickman teaches.

z. **In regards to claim 22**, claim 21 as modified above discloses the method wherein selecting advertisements having a format and size compatible with user-requested Web content comprises:

- means delivering advertisements in an audio format.

Claim 21 as modified above (Jimenez et al., Wu) is silent on:

- advertisements having a predetermined time length when delivered in an audio format.

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- Refer to the claim 4 above discussions above on what Hickman teaches.

aa. **In regards to claim 32**, the method of claim 27 as modified above discloses:

- retrieving advertisements ( Wu [0027] lines 12-15, [0032] lines 1-6) having a format (Wu[0028], [0029]) compatible with the user-requested Web content when web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 27 as modified (Jimenez et al., Wu) above is silent on:

- advertisements having size compatible with user requested web content

Refer to the claim 3 discussions above on what Hickman teaches.

bb. **In regards to claim 33**, claim 32 as modified above discloses the method, wherein selecting advertisements having a format and size compatible with user-requested Web content comprises:

- means delivering advertisements in an audio format.

Claim 32 as modified (Jimenez et al., Wu) above is silent on:

- advertisements having a predetermined time length when delivered in an audio format.

Refer to the claim 4 above discussions above on what Hickman teaches.

cc. **In regards to claim 40**, claim 39 as modified above discloses the computer program product, wherein the computer readable program code that is configured to retrieve an advertisement from an advertisement server (Wu [0039] lines 8-16) comprises:

- computer readable program code that is configured to retrieve ( Wu [0027] lines 12-15, [0032] lines 1-6) advertisements having a format (Wu[0028], [0029]) compatible with the user-requested Web content when the Web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 39 as modified above (Jimenez et al., Wu) above is silent on:

- Advertisements having a size compatible with user-requested web content.

Refer to claim 3 discussions above on what Hickman teaches.

dd. **In regards to claim 41**, claim 40 as modified above discloses the computer program product, wherein the computer readable program code that is configured to select advertisements having a format and size compatible with user-requested Web content comprises:

- computer readable program code that is configured to retrieve an advertisement in an audio format (Hickman [0084- 0086]).

Wu, Jimenez et al fails is silent on:

- advertisements having a predetermined time length when delivered in an audio format.

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Refer to claim 4 above on what Hickman teaches.

ee. **In regards to claim 50**, claim 46 as modified above discloses the computer program product 6, wherein the computer readable program code (Wu [0039] lines 8-16) that is configured to retrieve an advertisement from an advertisement server (Wu ([0020] lines 24-35) comprises:

- computer readable program code that is configured to retrieve advertisements having a format (Wu[0028], [0029]) compatible with the user-requested Web content when web content is converted to an audio format (Jimenez [0008] lines 13-18).

Claim 46 as modified above (Jimenez et al., Wu) is silent on:

- Advertisements having size compatible with user requested web content.

Refer to claim 3 above on what Hickman teaches.

ff. **In regards to claim 52**, Wu discloses in, claim 50 as modified above, the computer program product, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches The VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

gg. **In regards to claim 51**, Claim 50 as modified above discloses the computer program product, wherein the computer readable program code



that is configured to select advertisements having a format and size compatible with user-requested Web content comprises:

- computer readable program code that is configured to retrieve an advertisement.

Claim 50 as modified above et al. is silent on:

- advertisements having a predetermined time length when delivered in an audio format.

Refer to claim 4 above for discussion on what Hickman teaches.

**5. Claim 11, 29, 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez et al. (US 2002/0006124) over Wu (US 2003/0212759) further in view of Alpdemir, (US 2002/0035474)**

hh. **In regards to claim 11**, claim 9 as modified above discloses the computer system, having a text-to-speech transcoder

Claim 9 as modified above (Jimenez et al., Wu) fail to teach wherein the text-to-speech transcoder further comprises:

- means for recognizing one or more key words spoken by the user during delivery of an advertisement; and
- means for redirecting the user client device to additional audio content associated with the advertisement in response to recognition of one or more key words spoken by the user.

Alpdemir teaches system whereby advertisers post key words, which can be used as search term spoken by a user (i.e. caller) that is used as a navigation pointer (i.e. redirection) to the advertisers ([0050] lines 1-10) . Alpdemir further teaches an advertisers ability to identify additional information that is used to find the advertiser when the keywords are used via the client device ([0055]).

One of ordinary skill in the art at the time of the invention would realize the advantage of combining the features of Alpdemir in order to allow for greater accuracy in matching users to businesses (i.e. advertisers). In addition to permitting business (i.e. advertisers) self promotion and user feedback (i.e. interaction) that encourage use, generate revenues and provide incentives for use by both business and users (See Alpdemir [0017]).

ii. **In regards to claim 29**, claim 27 as modified above fails to teach further comprising:

- recognizing one or more key words spoken by the user during delivery of an advertisement; and
- redirecting the user client device to additional Web content associated with the advertisement in response to recognition of one or more key words spoken by the user.

Alpdemir teaches that which, claim 27 as modified above fail to teach.

Refer to the claim 11 discussions on what Alpdemir teaches.

jj. **In regards to claim 48, the computer program product in claim 46 as modified above fail to teach further comprising:**

- computer readable program code configured to recognize one or more key words spoken by the user during delivery of an advertisement;  
and
- computer readable program code that is configured to redirect the user client device to additional audio content associated with the advertisement in response to recognition of one or more key words spoken by the user.

Refer to claim 11 discussions on what Alpdemir teaches.

**6. Claim 6-8,17-19,24-26, 35-38, 43-45, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable Jimenez et al. (US 2002/0006124) over Wu (2003/0212759) further in view of Davis et al. (US 5,796,952).**

kk. In regards to claim 6, claim 1 as modified above discloses a computer system, wherein the advertisement server further comprises means for storing information (Wu [0039] lines 9-12) with the user.

Claim 1 as modified above (Jimenez et al., Wu) is silent on:

- storage of information associated with serving an advertisement to a user.

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Davis et al. teaches a system that contains a tracking program that is delivered within content sent to the user. The tracking program monitors items such as user interaction with content received from the network; length of time a user spends interacting with content or may monitor details of user choices (col 8 lines 5-19, col 9 lines 3-10). The tracking program sends the captured information to another computer (i.e. advertisement server) for storage and analysis (col 9 lines 11-15).

One of ordinary skill in the art at time of the invention would realize the advantages to combine Davis et al. system such that, through the building and storage of users information, advertisers can determine not only the number of user hits made to a particular advertisement, but also permits the accurate determination of the length of time users have interacted with their advertisement. This is invaluable information to advertisers and permits advertisers to make informed decisions to the effectiveness and value of a particular advertisement (col 4 lines 55-63, col 11 lines 24 – 33).

II. **In regards to claim 7**, claim 1 as modified above discloses the computer system, that includes an advertisement server,

Claim 1 as modified above (Jimenez et al., Wu) fail to teach:

- wherein the advertisement server further comprises means for determining if a user listened to an advertisement in its entirety.

Davis et al. teaches a database of user profiles containing detail of user interaction with and use of resources including the amount of time

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sent by users interacting with our using resources (i.e. advertisements), and details of choice created users within a particular resource (i.e. determine if listen to in its entirety) (col 4 lines 34 -32). The system stores the start-up event upon the user listening to an advertisement and may also store the stop time of and advertisement if the user stops the operation of the advertisement. The difference between the execution of the stop of execution and start is sent to the server for storage and analysis. (col 4 lines 55-63, col 15 lines 20-66).

One of ordinary skill in the art of the invention would have recognized the advantage of combing the Davis et al system in order for advertisers to determine the accuracy of the advertisement supplied to users, the number of times the advertisements are accessed as well as learn how long the advertisement was accessed; this information would be of great use in to advertisers in determining the effectiveness of their advertisements (col 13 lines 10-17).

mm. **In regards to claim 8**, claim 1 as modified above discloses the computer system, that includes and advertisement server

Claim 1 as modified above (Jimenez et al., Wu) fail to teach:

- wherein the advertisement server further comprises means for determining how many times a user listened to an advertisement.

Davis et al. teaches a server that includes determining the number of times a resource has been utilized by a user, and the amount of time of use (col 4 lines 10-17).

One of ordinary skill in the art at time of invention would realize that it is advantageous to combine the features of Davis et al. in order for the advertisement server to analyze the effectiveness of the advertisements made available on the server (col 4 lines 10-17).

nn. **In regards to claim 17**, claim 9 as modified above discloses a computer system, wherein the advertisement server further comprises means for storing information (Wu [0039] lines 9-12)

Claim 9 as modified above (Wu, Jimenez et al.) fails to teach

- storage of information associated with user interaction with advertisement.

Refer to the claim 6 discussions on what Davis et al. teaches.

oo. **In regards to claim 18**, claim 9 as modified above discloses the computer system that includes an advertisement server

Claim 1 as modified above (Wu, Jimenez et al.) fail to teach:

- wherein the advertisement server further comprises means for determining if a user listened to an advertisement in its entirety.

Refer to the claim 7 discussions on what Davis et al. teaches.

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pp. **In regards to claim 19**, claim 9 as modified above discloses the computer system that includes an advertisement server

Claim 9 as modified above (Wu, Jimenez et al.) fail to teach:

- wherein the advertisement server further comprises means for determining how many times a user listened to an advertisement.

Refer to the claim 8 discussions on what Davis et al. teaches.

qq. **In regards to claim 24**, claim 20 as modified above, discloses the method further comprising storing information associated with the user (Wu [0039] lines 9-12).

Claim 20 as modified above (Jimenez et al., Wu) is silent on:

- storage of information associated with serving an advertisement to a user.

Refer to the claim 6 discussions on what Davis et al. teaches.

rr. **In regards to claim 25**, the method claim 20 as modified above) fail to teach:

- further comprising determining if a user listened to an advertisement in its entirety.

Refer to the claim 7 discussions on what Davis et al. teaches.

ss. **In regards to claim 26**, the method of claim 20 as modified above fails to teach:

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- further comprising determining how many times a user listened to an advertisement.

Refer to the claim 8 discussions on what Davis et al. teaches.

tt. **In regards to claim 35**, claim 27 as modified above discloses the method, further comprising storing information associated with the user (Wu [0039] lines 9-12).

Claim 27 as modified above (Jimenez et al., Wu) is silent on:

- storage of information associated with serving an advertisement to a user.

Refer to the claim 6 discussions on what Davis et al. teaches.

uu. **In regards to claim 36**, claim 27 as modified above discloses the method, storing information (Wu [0039] lines 9-12)

Claim 27 as modified above (Jimenez et al., Wu) fails to teach

- storage of information associated with user interaction with advertisement.

Refer to the claim 6 discussions above on what Davis et al. teaches.

vv. **In regards to claim 37**, the method of claim 27 as modified above fail to teach:

- further comprising determining if a user listened to an advertisement in its entirety.

Refer to the claim 7 discussions on what Davis et al. teaches.



**In regards to claim 38**, the method of claim 27 as modified above fail to teach:

- further comprising determining how many times a user listened to an advertisement.

Refer to the claim 8 discussions on what Davis et al. teaches.

ww. **In regards to claim 43**, claim 39 as modified above discloses the computer program product, further comprising computer readable program code that is configured to store information associated the user (See Wu [0027] lines 21-24, [0039] lines 9-12).

Claim 39 as modified above (Jimenez et al., Wu) is silent on:

- Storage of information associated with serving the advertisement to the user.

Refer to claim 6 discussions above on what Davis et al. teaches.

**In regards to claim 44**, the computer readable program code further comprising computer readable program code claim 39 as modified above fail to teach:

- that is configured to determine if a user listened to the advertisement in its entirety.

Refer to claim 7 discussions above on what Davis et al. teaches.

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**In regards to claim 45**, the computer readable program code further comprising computer readable program code claim 39 as modified above fail to teach:

- to determine how many times the user listened to the advertisement.

Refer to claim 8 discussions on what Davis et al. teaches.

xx. **In regards to claim 53**, claim 46 as modified above discloses the computer program product further comprising computer readable program code that is configured to store information associated the user (Wu [0039] lines 9-12).

Claim 46 as modified above (Wu, Jimenez et al.) is silent on:

- Storage of information associated with serving the advertisement to the user.

Refer to claim 6 discussions on what Davis et al. teaches.

yy. **In regards to claim 54**, the computer readable program code further comprising computer readable program code of claim 46 as modified above fails to teach:

- configured to store information associated with user interaction with the advertisement.

Refer to claim 6 discussions above on what Davis et al. teaches.

**In regards to claim 55**, the computer readable program code further comprising computer readable program code 46, fails to teach

- o configured to determine if a user listened to the advertisement in its entirety.

Refer to claim 7 discussions on what Davis et al. teaches.

zz. **In regards to claim 56**, the computer readable program code further comprising computer readable program code claim 46 as modified above fails to teach:

- o that is configured to determine how many times the user listened to the advertisement.

Refer to claim 8 discussions on what Davis et al. teaches.

7. **Claim 57, 58, 59, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (2003/0212759) in view of Davis et al. (US 5,796,952).**

aaa. **In regards to claim 57**, Wu discloses a advertising server (figure 4-#54) that integrates interactive advertising within Web content requested by users ([0027] lines 12-15, [0032] lines 1-6), comprising:

- means for selecting an advertisement for insertion within Web content requested by a user via a client device ([0027] lines 12-15, [0027] lines 21-25) in communication with a Web server (figure 4), wherein the advertisement has a text-based format ([0025] lines 29-31) and is configured to be interactive when converted to an audio format;

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- means for forwarding the selected advertisement to the Web server for insertion within the Web content requested by the user ([0020] lines 17-35);
- means for receiving notification([0030], [0041] lines 17-30) from a text-to-speech transcoder (i.e. audio channel on or off) that the selected advertisement has been delivered to the user client device in an audio format ([0039] lines 8-12); and

Wu is silent on

- means for storing information associated with delivery of the advertisement to the user client device ([0030] lines 1-11);

Davis et al. teaches a system that contains a tracking program that is delivered within content sent to the user. The tracking program monitors items such as user interaction with content received from the network; length of time a user spends interacting with content or may monitor details of user choices (col 8 lines 5-19, col 9 lines 3-10). The tracking program sends the captured information to another computer (i.e. advertisement server) for storage and analysis (col 9 lines 11-15).

One of ordinary skill in the art at time of the invention would realize the advantages to combine Davis et al. system such that, through the building and storage of users information, advertisers can determine not only the number of user hits made to a particular advertisement, but also permits the accurate determination of the length of time users have interacted with

their advertisement. This is invaluable information to advertisers and permits advertisers to make informed decisions to the effectiveness and value of a particular advertisement (col 4 lines 55-63, col 11 lines 24 – 33).

**In regards to claim 58**, Claim 57 as modified above discloses the advertisement server, further comprising means for storing information associated with user interaction with the advertisement.

Davis et al. teaches a database of user profiles containing detail of user interaction with and use of resources including the amount of time sent by users interacting with our using resources (i.e. advertisements), and details of choice created users within a particular resource (i.e. determine if listen to in its entirety) (col 4 lines 34 –32). The system stores the start-up event upon the user listening to an advertisement and may also store the stop time of and advertisement if the user stops the operation of the advertisement. The difference between the execution of the stop of execution and start is sent to the server for storage and analysis. (col 4 lines 55-63, col 15 lines 20-66).

One of ordinary skill in the art of the invention would have recognized the advantage of combining the Davis et al system in order for advertisers to determine the accuracy of the advertisement supplied to users, the number of times the advertisements are accessed as well as

learn how long the advertisement was accessed; this information would be of great use in to advertisers in determining the effectiveness of their advertisements (col 13 lines 10-17).

bbb. **In regards to claim 59** Wu discloses the advertisement server of claim 57, further comprising means for providing additional information associated with the advertisement to the user client device in response to user interaction with the advertisement ([0027] lines 12 – 24, [0041] lines 6-20).

ccc. **In regards to claim 62**, Wu discloses the advertisement server of claim 57, wherein the text-based format comprises voice extensible markup language (VXML) format ([0028] lines 11-17).

Wu teaches that VXML allows applications to annotate text with additional information that can improve the quality and naturalness of synthesized speech.

**8. Claim 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (2003/0212759) in view of Davis et al. (US 5,796,952) as applied to claim 57 further in view of Hickman (US 2001/0033564)**

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ddd. **In regards to claim 60**, Claim 57 as modified above discloses the advertisement server wherein the means for selecting an advertisement for insertion within Web content comprises:

- o means for retrieving advertisements ( Wu [0027] lines 12-15, [0032] lines 1-6) having a format (Wu[0028], [0029]) compatible with the user-requested Web content.

Claim 57 as modified above (Wu, Davis et al.) fail to disclose

- o Advertisements having size compatible with user requested web content when web content is converted to an audio format.

Hickman teaches user request of web content (i.e. Web page) from a user device (i.e. telephone). The download time of the web content is predicted by retrieving the size (i.e. number of bytes the comprises the HTML description of the webpage) of the web content ([0084] lines 1-8). The system then predicts an advertisement size (i.e. advertising time slot) and selects one or more advertisements, from an advertisement server that stores advertisements of various lengths, that fits the advertising size ([0086] lines 1-19).

One of ordinary skill in the art at time of invention would realize the advantage of ensuring the format and size compatibility of Wu, Davis et al. system in order to interleave of audio advertisements with the web content request such that audio advertisements can be played during the serving of web content to user (Hickman [0083], [0086] lines 8-13).

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eee. **In regards to claim 61**, Claim 60 as modified above discloses the advertisement server, wherein the means for retrieving advertisements having a format and size compatible with the user-requested Web content comprises:

- means delivering advertisements in an audio format.
- advertisements having a predetermined time length when delivered in an audio format.

Hickman teaches a computer (i.e. advertisement server) that stores a plurality of audio advertisements (i.e. voice advertisements) of various lengths ([0086]). Refer to claim 60 for further discussion on what Hickman teaches.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shuster et al.      US-2002/0022999      Provision of audio advertisements in a computer network
- Aufricht et al.      US-2002/0052781      Interactive Advertisement on a mobile device
- Berkowitz et al.      US-2002/0095330      Audio advertising system for providing audio advertisements to users on a network
- Speicher, G.      US-2003/0135412      Delivery of electronic advertisement based on user response



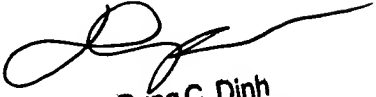
- Hunt et al.                      US-5,893,091      Distribution of information using key words
- Wynblatt et al.                US-6,018,710      Rendering of documents in audio format to users using a non-key word based system
- Graham, B T                    WO 200211120      Voice activated web content navigation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn F. Fleary whose telephone number is (703) 305-4792. The examiner can normally be reached on 8:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLENTON BURGESS can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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